

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JOHN D. HAYWOOD, #B-44617,)	
)	
Plaintiff,)	
)	
- vs-)	No. 18-cv-524-SMY
)	
C/O Maue, et al.,)	
)	
Defendant.)	

ANSWER AND AFFIRMATIVE DEFENSES

NOW COMES the Defendant, C/O Maue, by and through his attorney, Lisa Madigan, Attorney General for the State of Illinois, and for his Answer and Affirmative Defenses to Plaintiff's Complaint [Doc. 2], states as follows:

JURISDICTION AND VENUE

A. Plaintiff's mailing address, register number, and present place of confinement. *Lawrence Correctional Center*
10930 Lawrence Rd. • Summer, IL 62466
John D. Haywood B44617

ANSWER: Defendant admits that this is Plaintiff's correct contact information.

B. Defendant Dir. is employed as

(a) (Name of First Defendant)

Director Illinois Department of Corrections
(b) (Position/Title)

with Illinois Department of Corrections
(c) (Employer's Name and Address)

1301 Concordia Court • Springfield, IL 62794-9275

At the time the claim(s) alleged this complaint arose, was Defendant #1 employed by the state, local, or federal government? ☒ Yes ☒ No

If your answer is YES, briefly explain: for a part of the complaint March 2016 Till Present Day !

ANSWER: Defendant admits that Lorie Cunningham was the Director of Nursing from December 2008 until December 2016. Ms. Cunningham can be reached c/o R. Kolton Ray, 500 S Second Street, Springfield, Illinois 62701.

Defendant #2:

C. Defendant Warden Kimberly Butten is employed as

(Name of Second Defendant)

Warden of Menard C.C.
(Position/Title)

with Illinois Dept. of Corr.
(Employer's Name and Address)

1301 Concordia Court, Springfield, IL 62794-9275

At the time the claim(s) alleged in this complaint arose, was Defendant #2 employed by the state, local, or federal government? ☒ Yes ☒ No

If your answer is YES, briefly explain: for parts the assault is 2014 By Yo Maue (yes) But not for the entire 9 years of Violations !

ANSWER: Defendant admits that Kimberly Butler served as the Warden of Menard Correctional Center from April 2014 until April 2016.

C/O Maue of Menard C.C. (I.D.O.C.)

ANSWER: Defendant admits that C/O Maue is a Correctional Officer at Menard C.C.

II. PREVIOUS LAWSUITS

- A. Have you begun any other lawsuits in state or federal court relating to your imprisonment? ☒ Yes ☐ No
- B. If your answer to "A" is YES, describe each lawsuit in the space below. If there is more than one lawsuit, you must describe the additional lawsuits on another sheet of paper using the same outline. Failure to comply with this provision may result in summary denial of your complaint.

1. Parties to previous lawsuits:

Defendant(s): Champaign County Illinois; State's Attorney Julie Ritz
Sheriff Dep. Curt Apperson, Dep. Sherwood

Petitioner - [redacted] (s): Sch. D. Heywood Pro Se 344415

2. Court (if federal court, name of the district; if state court, name of the county): Sixth Circuit Court of Champaign County Ill.
3. Docket number:
4. Name of Judge to whom case was assigned:
5. Type of case (for example: Was it a habeas corpus or civil rights action?): Wrongful Death and Wrongful Imprisonment
6. Disposition of case (for example: Was the case dismissed? Was it appealed? Is it still pending?): Not Still Pending!
7. Approximate date of filing lawsuit: (6-2012)
8. Approximate date of disposition: (12-2014)

ANSWER: Defendant denies these allegations. Defendant searched Sixth Circuit public records and were unable to locate this case. However, Defendant found numerous Sixth Circuit cases in which Plaintiff was a plaintiff and defendant, but none that seem to relate to Plaintiff's imprisonment. Defendant will supplement should more information become available.

III. GRIEVANCE PROCEDURE

A. Is there a prisoner grievance procedure in the institution? ☒ Yes ☐ No

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? ☒ Yes ☐ No

C. If your answer is YES,

1. What steps did you take? *Grievance to Counselor; To grievance officer
to A.R.B.*

2. What was the result? *Dismissed - Rejected.*

D. If your answer is NO, explain why not.

E. If there is no prisoner grievance procedure in the institution, did you complain to prison authorities? ☐ Yes ☐ No

F. If your answer is YES,

1. What steps did you take?

2. What was the result?

G. If your answer is NO, explain why not.

H. Attach copies of your request for an administrative remedy and any response you received. If you cannot do so, explain why not:

*When transferred from Maxson to New River, Maxson kept
all of my Grievance Paper Work, which were in a Maxson
envelope marked Grievances! It was Intentional!*

*March 9, 2016.
Years of Transfer's and Shake downs*

ANSWER: Defendant admits that there are grievances related to the issues in this case.

Defendant denies that Plaintiff's grievances were denied by the Administrative Review

Board as they were submitted outside the timeframe permitted by Department Rule 504.

Defendant denies all other allegations in this paragraph.

ALLEGATIONS

#1.) In 1995 while at Robinson C.C. A new tumor reappeared on the top of my left foot. I informed Healthcare, and was told it was only scar tissue! The tumor grew from dime size to quarter size, and I went back to Healthcare and was told I was an hypochondriac and if I came back with same issue I would go to Segregation!

ANSWER: These allegations refer to Count 1, which was dismissed by the Court in the Merit Review Order. [Doc. 1, pg. 15]. Defendant lacks knowledge or information sufficient to form a belief about the truth of these allegations.

#2.) In 1995 while at Robinson C.C., while participating power lifting, doing squats blew my back out and became a paraplegic totally paralyzed from waist down. Healthcare said I was taking and had me put in Seg. for almost two weeks, where I had to crawl across the floor to get meals three times a day, and subject to being poked and stuck by nurses with safety pins needles. Hot pins and hot pins from my toes to my scrotum two to three times a day (which produced no movement!) Finally after two weeks in the middle of the night I was taken to Big Muddy C.C. By Suburban. (But Robinson Healthcare told Big Muddy Healthcare I was a hypochondriac and faking for attention. So Big Muddy refused any medical treatment for the tumor on left foot or my back as per Robinson C.C.) A year later my left foot was partly amputated for bone cancer!!! And Afterward Deputy Director Mike Neal forced Big Muddy to allow me to see an Orthopedic Specialist for my Back and legs and within a year of treatment as therapy I was up walking on good legs? (Was released in 98 and returned in 2000, and again in 2006.)

ANSWER: These allegations refer to Count 2, which was dismissed by the Court in the Merit Review Order [Doc. 1, pg. 15]. Defendant lacks knowledge or information sufficient to form a belief about the truth of these allegations.

#3.) In 2007 November arriving at Menard C.C. with the same blows out back from 1995, an amputated ^{Right} left foot from 1996, with also a broken tibia from 2001, and a broken heel ball at left Amputee in 2005, and re-injury to back in 2006 which "perilized" me again all stem from Robinson C.C. injuries! So when I arrived at Menard C.C. I had a weight displacement brace and a chin back brace, which "Dr. Finerman" took as placed me on the third floor at Healthcare, stating Menard is not handicap accessible and your classified Maximum Security you'll be up here in a wheelchair for your entire time here! I wrote Warden Cosden for Emergency Medical transfer to a Medical Institute (Big Muddy) Warden Cosden wrote that I had to be in Menard for at least 6 months before I can request a transfer! Next day at 7 am Dr. Finerman came in as told me get my stuff, nobody goes over his head he called me a few choice names and told the % to take me to the elevator with the wheelchair, which he did, but told me I had to get out of the wheelchair at the elevator per Dr. Finerman. I was dumped on the floor at the elevator on the floor, and rode down to first floor, where the Sergeant told me if I did not make it to North One Housing Unit before the next live run's or they will send me to Segregation per Dr. Finerman I crawled out onto front street where Lt. Durham had front street and came into Healthcare and demanded a wheelchair for me, and was told by the sergeant that Dr. Finerman said no wheelchair and if Heywood don't make it to North One before next live take him to Seg. Lt. Durham swept and stopped to outside grounds workers to bring a cart over and put me on the cart and took me over to North One, at

Which the house sergeant Bonner told me I would be on 3 gelling (upstairs) the gelling workers took my stuff up but I (Heywood) had to crawl up the stairs on my butt, once I got up to 3. the workers put me on a gelling cart and took me to my cell!

ANSWER: These allegations refer to counts that remain in the original case, 18-21-MJR, from which this case was severed. Records indicate that Plaintiff arrived at Menard in October of 2007. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations.

4.) In December 2007 I (Haywood) was moved from North One 3 gallery to the West House 1. gallery 2. cell close to the shower, and placed on Permisest Lay-in which lasted from December 2007 to March 2016 almost 9 years!
(No yard; no chow hall; no gym; "No Chapel"; No wheelchair could not go to law library; No go to commissary; No Programs!) I could only go to Healthcare and back to my cell, and that was the only time I could use a wheelchair. Except in February 2008 right after a blizzard I had a Dr. cell pass and my gallery % west and got the ATV. Ambulance that was in a cage in front of Healthcare, came and got me from West House to healthcare to see Dr. Finerman at which time Dr. Finerman yelled at me that I never had seen and Dr. Finerman told the % Miller not to use the ambulance to move me around, at that time West House Sergeant was coming down the hall from buying Pop's and heard Dr. Finerman yelling at % Miller and me, and came into the exam room and asked what is going on. Dr. Finerman said % Miller could not use ambulance the Sergeant informed Dr. Finerman he would use the ambulance anytime he wanted. Two weeks later Dr. Finerman had the ambulance closure torn down, and got rid of the ambulance!!!

ANSWER: These allegations refer to counts that remain in the original case, 18-21-MJR, from which this case was severed. Records indicate that Plaintiff moved from North 1 to West 1 on December 4, 2007. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations.

5.) In 2011 I (Heywood) was moved to North One 2 gallery which used to be P.C. behind the steel doors with the box as the door, and a few cell's down was the on gallery shower's but had not been used in years. Myself and another inmate cleaned out the shower, but the water would not go down the drain, we informed % Steward our gallery officer, who called maintenance who came but without a bucket. In 1982 I accidentally cut off my big toe with a skill saw on my right foot, it was reattached! In 2011 due to the stagnant water in North One showers I got a bad staph infection in that big toe! Had often several different antibiotics finally Dr. Newberry had to do surgery (cut open the toe and pack it with gauze with antibiotics), and every two days pull it out and repack it (Painful) But during this time Messer went on a level one lockdown, and for two weeks no one would take me to Healthcare to get dressing change, The %'s change during lockdowns and all of them told me that Healthcare had not called for me and they were not required to call healthcare for me, if they wanted me they would send for me. Until % Laura came back from her vacation and asked how I was doing, and I told her she went and called healthcare, and they took me to healthcare within the hour! Had to start the process over! (Painful)!

ANSWER: These allegations refer to counts that remain in the original case, 18-21-MJR, from which this case was severed. Records indicate that Plaintiff spent February 15, 2011 until August 24, 2011, as well as October 25, 2011 until November 23, 2011 in North 1, Gallery 2. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations.

6.) In 2012 Major Liorla spoke to me about moving me to South Lowers to test putting handcups over there, shower at end of gallery and a yard off of the gallery!

Upon moving I met the Senior Officer % Maue, who did not want the handcups in South Lowers, so he gave me a hard time about the shower, he refused to allow me to use the shower unless as I have to use the handcup chair and be seated % Maue told me (you have to have the chair, but you can go with everybody else) The shower holds 32 men at a time in the water and me by another 10 waiting, and I was suppose to sit naked between 31 naked men? So I stopped going to the shower, a Lt. asked one night why I was not showering and I told him, to which they started running me by myself again, which upset % Maue!

ANSWER: These allegations refer to Count 5, which was dismissed by the Court in the Merit Review Order in 18-21-MJR. [Doc. 1, pg. 16]. Records indicate that Plaintiff was assigned to South Lowers from November 23, 2011 until May 16, 2014. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations.

2.) In 2012 % Predi who was acting as my gallery officer was acting after using the bathroom. As is my religious (Christian) custom at about 6 pm I read my Bible and pray, as my knees at my bar's. When I got up % Predi was standing in front of my bar's and shook his head, and (said I wouldn't do that if I was you!) and walked off. Two days later, as I got up from praying there he was % Predi, and he asked me for my I.D. which I gave him, he left and came back with a Lt. (We were on level one lockdown) who told me to "cuff up" I asked why he said (Disobeying a Direct Order) I asked could I pack my own stuff. (No!) I informed them I needed a wheelchair? % Predi said (you don't use a wheelchair when I took you to commissary) I told him I'm a permanent handicapped, I don't go to commissary, and you have never took me anywhere I need a wheelchair. % Predi called and said I was refusing

To go to segregation, and Major Brown came, and said what is going on I told him (he's walking me for praying) and it's him that is refusing me a wheelchair! % Predi told Major Brown he don't need a wheelchair! Major Brown told % Predi to go to health care and get a wheelchair if he wanted to take me to seg. The ticket read (I told inmate Haywood he could pray on the gallery, such activities are only allowed at the chapel, and Haywood told me he does what he wants!) (lies) (Permanent handicapped cannot go to chapel!)

I saw Adjustment Committee, who said they were throwing out the ticket and sending me back to South Housers as soon as room was available! So I was in a Seg Cell for two days and then moved to North Two S gallery Seg. kickout? were I stayed 52 days? But on my 22nd day I got a notification that I had received 3 months L. Coradi? When I inquired to the adjustment committee, I was told that's what the computer did?

ANSWER: These allegations refer to Count 6, which was dismissed by the Court in the Merit Review Order in 18-21-MJR. [Doc. 1, pg. 16]. Records indicate that Plaintiff received a ticket in 2011 for insolence and disobeying a direct order, which resulted in 3 months C

Grade and 3 Months Commissary Restriction, but Illinois Department of Corrections records do not show any disciplinary action taken in 2012. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations.

8.) In 2014 while at Mever C.C. Southdown's % Meue had his chance to get rid of Haywood. Haywood was moved to cell 101 gallery which is a gallery worker cell right off from the Sergeants cage. My 4th cellie was Brian Doyle a Diabetic who also had a Bottom Busk permitt (Im Permesent hdy-Is can't walk Permesent Bottom Busk Lowgelling). Doyle didn't want to tell % Meue cause didn't want to loose job but instead decided to force me out of the cell.

20 May 2014, Doyle started argument before he went to work and left. Haywood packed all of his stuff, to walk himself at shift change, as we were at Quarantine lockdown from Salmasilla (under cooked chicken) and new roof! Doyle saw Haywood's property packed and got % Mrs. K. who was acting Sarcastic at that time and day! Doyle told her (Haywood has packed up and is acting very aggressive) % Mrs. K. came around to cell 1. and asked Haywood why he was packed up, Haywood said 'I've asked you for weeks to move me, I've got nothing to say!' % Mrs. K. said she would come back later after I had calmed down and left! Right before shift change % Maur and Doyle came to the cell where Doyle got his shower stuff and told % Maur that (He's got this?) After working showers % Maur, % K. and 3 other %'s plus one other % above my cell on 3 gallery! % Maur took the cell key's and told % K. (they are both men let them handle it!) % Maur open the cell and sent Doyle into the cell to fight Haywood, Doyle came in postured to fight, but Haywood fired first, and Doyle ran out of the cell over two %'s, Haywood swung so hard he fell over, headed face first to the floor, when % Maur stepped into the cell and caught Haywood in a full frontal head lock, and pulled Haywood out of the cell and went MMA Wrestling stood Haywood upside down and suplexed him onto the coveret floor and then % Maur locked in a full frontal choke hold facing me head on, and % Maur kept sucking up as an attempt to "break my neck", every time he'd sech up, I'd crawl forward so he couldn't break my neck!!! The quest ht. came onto 1 gallery knowing nothing of what was going on! And saw me (Haywood) on the floor with four guards

on my back and % Maus choking me to death (The Lt. told % Maus to get off of Heywood, let him go before you kill him!) % Maus finally released the choke and shoved my feet into the floor and put his knee in the back of my neck! (The Lt. told % Maus to get off of him now!) The Lt. told % Beethrow to go and get a wheelchair! At that point I was in and out of consciousness! % Beethrow came back with a wheelchair and the Lt. told the officers to pick me up and get me into the chair and the Lt. called Heathclere to let them know he was bringing me to be checked, while he was on the phone at the front door, % Maus was standing over me like a rabid dog about to strike, the Lt. pushed him back and positioned himself between % Maus and me (Heywood) and told him to go cool off now! The Lt. took me to Heathclere, but I could not speak due to the choking (couldn't speak for over 4 days), Lt. told Heathclere it was a cell fight, then he took me to segregation 4 gallery which he himself carried me up the stairs! (My property was still in the cell packed, and it was left with Brian Doyle until the next day?) (Supposedly Shift Change?)! Later that night the nurse came to see me, and as best I could, I told her I needed to see a Dr. (Elbow broken and neck injured)! Within 4 days I got to pass for the Adjustment Committee on the 11th day, and on that day % Chasler % Maus's best friend had 4 gallery seg. (He had work South Tower's with % Maus, % Dege and were known to beat down old men inmates!!!) % Chasler came to my cell and told me he would be to get me before lunch get ready, I told him I need a wheelchair, and he left! Lunch came and went, and it was 2:pm before I saw % Chasler again, and I said (What about my ticket, I'm

% Chasler told me I had refused, I said No I did not % Chasler said who you asked for a wheelchair you refused! And the committee found me guilty of a Staff Assault for telling on a officer, because I had refused to come to the hearing and give any exonerating evidence!

ANSWER: Defendant admits that records indicate Plaintiff moved cells to North 2 on May 16, 2014. Records indicate on that day Plaintiff received a disciplinary ticket for

assaulting staff, which resulted in 3 Months C Grade, 3 Months Segregation, 3 Months Commissary Restriction, and 6 Months Contact Visits Restriction. Defendant admits that, at the alleged date and time, C/O Maue brought Inmate Doyle into the cell to secure him. Defendant denies that Inmate Doyle was sent into the cell to fight Plaintiff. Defendant admits that Plaintiff attempted to fight Inmate Doyle. Defendant denies starting a fight with Plaintiff. Defendant admits to the use of force to restrain Plaintiff for safety and security reasons. Defendant admits that other correctional officers and a lieutenant assisted in restraining Plaintiff, including C/O Dethrow. Defendant denies using unreasonable force as Plaintiff has alleged. Defendant admits that Plaintiff was taken to healthcare after he was restrained. Defendant denies all other allegations relating to the use of force. Defendant admits that Plaintiff was charged with staff assault and failed to appear at the time of the adjustment committee hearing. The allegations about Plaintiff's adjustment committee hearing refers to Count 8, which was dismissed from this case by the Court's Merit Review Order [Doc. 9]. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations.

Which time of two almost three weeks A % came and get me in to wheelchair and took me to healthcare to see the Dr. who put me in the 3rd floor seg cell, took X-rays of my neck? and my elbow? (Three weeks later?) I was told there was nothing wrong with either (But to this day I can still move a piece of my elbow, and I got the X-ray report which speaks of the fracture!) But I was never treated at Medford or anywhere else! I was kept in healthcare for over 3 weeks with no treatment? Until there was a T.B. outbreak (Supposedly there was no room in the headicep seg hallway but was moved back to seg. to reg. cell and move every two week from 2 gallery to 4 gallery up, down, they would have inmate gallery workers carry me up and down the stairs several times!) At this time I was under the impression that I (Haywood) was in seg. for a cell light 30 day maximum! I saw Warden Butler walking through and stopped her and told her I was over 30 days and they won't let me out of seg. and that I had never gotten a decision from the adjustment committee, but for a cell light which I hit nobody is generally 30 days! Warden Butler said Haywood you got a staff assault and you got 30 days and four very lucky! I (Haywood) said No man I don't have a staff assault (Director Cordinez had told Warden Butler to transfer Haywood to medical institution Big Muddy!) Warden Butler said I'll

That she would send me a copy of Committee Report and
 Decisions! And she did (Staff assault-telling an officer?)
 (If % Meane had not come into my cell I would have killed on the
 floor! He chose to catch me so he could kill me!) And there
 was a Staff assault why no code called, no ht. called, no
 Major called, and it is in healthcare records Cell fight!
 And the fact that % Deethrow, % K, % Meane who all knew
 there was a problem between cellers Haywood and Doyle hours
 earlier never reported it to the quest house ht. that day, and
 further violated procedure and all security protocol so that Haywood
 and Doyle were already separated that cell door was not suppose
 to open without a ht. present! And % Meane threatened to spray
 me with mace! When I got my property list, there was
 over \$200.00 worth of property missing (Serg Welkman and eerbud;
 18 tapes; New never worn Rebox Tennis shoe; and several other
 items) --

ANSWER: Defendant admits that Plaintiff received a ticket for staff assault on May 16, 2014. Defendant admits that records indicate that Plaintiff was housed in the healthcare unit from June 2, 2014 until June 17, 2014. Defendant admits that records indicate that Plaintiff complained of elbow pain and that Plaintiff's left elbow was "a bit swollen." Defendant admits that records indicate that Plaintiff had x-rays ordered of his forearm and elbow. Defendant admits that records indicate that Plaintiff received extensive treatment during June of 2014, with entries every day from June 2 until June 16 into his medical records. Defendant admits that records indicate that Plaintiff moved from 2 Gallery to 4 Gallery on July 24, 2014, and was moved back to 2 Gallery on August 7, 2014. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph.

9) In 2014 I was told that Mevarel had power to place me, as
 % Meane and inmate Doyle felt unsafe with me being in South
 lower's, and they could not keep me in Healthcare 3rd floor; nor
 could the house me in Seg. A-Wing, as it is segregation!
 So I was shuffled from (South lower to North 2, to North 1, back
 to North 2. none of which is handicap accessible!) between 2014 and
 2016 when finally transferred to Lawrence C.C.!

ANSWER: This allegation refers to Count 9, which was dismissed from this case by the Court's Merit Review Order [Doc. 9]. Defendant admits that records indicate that Plaintiff

moved to South Lower on August 20, 2014, that Plaintiff was then moved to North 2 on September 18, 2014, was moved to North Lower on November 26, 2014, and remained there until May 7, 2015. Defendant denies that he felt "unsafe" around Haywood or that he had any input on where Haywood was housed. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph.

10.) In 2016 while in North #2, the flood came, and afterwards I was so sick, couldn't breathe and weak! I wrote healthcare several times, and told the nurse at med 1st every night for two weeks! Finally my 5 day-a-week % told me to get dressed, and he went and got a wheelchair and took me to healthcare and he told the Doctor this man is dying as my gallery and I can't watch it! the Dr. had them take me to the 3rd floor, and take X-rays, and I was told I had Pneumonia, and was given antibiotics, after 4 days I got worst, they changed my antibiotics, but it helped none at all! Then I was told that I was being sent back to my house and cell? When I got to my cell my 5 day-a-week % told me to get my property ready the workers would be coming for it and what size jumpsuit I needed, that I was being transferred in the morning to Lawrence! Found out in August 2016 from Clark Foundation Hospital web Pneumonia by Terminal Pulmonary Sarcoidosis and Congestive Heart Failure!

ANSWER: These allegations refer to Count 10, which was severed from the original case, 18-21-MJR in the Court's Merit Review Order [Doc. 1, pg. 23]. Medical records indicate that, on January 8, 2016, Plaintiff complained of "great toenail pain." Plaintiff was also seen twice in February by healthcare staff. Between March 3, 2016 and March 7, 2016, Plaintiff was seen by numerous healthcare staff and was prescribed medication for respiratory/pneumonia concerns. Plaintiff was housed in the healthcare unit between March 3, 2016 and March 7, 2016. Plaintiff indicated he was recovering or had recovered multiple times between March 3, 2016 and March 7, 2016. Plaintiff requested to be returned to his cell on March 6, 2016 because he felt "a lot better." Medical staff noted he was recovering. Plaintiff was discharged from the healthcare unit on March 7, 2016, after the Doctor indicated that Plaintiff had mostly healed. Plaintiff was instructed to continue his same medication until fully healed. Records indicate that Plaintiff was transferred to Lawrence Correctional Center on March 9, 2016. While at Lawrence C.C., Plaintiff was seen by hospital staff and treated for pneumonia and hypertension. Plaintiff received x-rays, EKGs, lab work, and additional medications during his first week at Lawrence C.C. Records indicate that Plaintiff was housed in the healthcare unit most times between March 10, 2016 and March 23, 2016. Plaintiff was housed in R3:AL:08:L1 between March

9 and 2 AM on March 10, 2016. Patient was seen by healthcare staff nearly every day during March of 2016, numerous times during April and May of 2016. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations.

11.) On March 9, 2016 at 5:am Third Shift '6 asked me to get ready for transfer, I told him I needed a wheelchair, he told me he said nothing to the board about my needing a wheelchair I told him I'm a permat hq-to I only go to healthcare and to a wheelchair, I need one please! He went and got the Sargent who said there is nothing, I called healthcare they said there is nothing that says you need a wheelchair. So you either walk or stay here! So I (Haywood) took off the jumpsuit, and rolled out the mattress and laid down! The '6 and Sargent walked away! After 15-20 mins the '6 and Sargent came back with a Lt. who asked what's the problem, so I explained my situation (Permat hq-to wheelchair board, never leave cell but to healthcare as medical not handicap accessible!) the Lt. saw my left is amputated and told the '6 just go and get a wheelchair and take him to the chople! The '6 went and got a wheelchair, and came and got me and took me to the chople, and when we got there everybody else had already be strip searched, the Lt. at the chople told the '6 who brought me he had to search me, so he asked me to sit in a chople seat and hand him my jumpsuit which I did and my shoes, he handed me everything back told me to get dressed, and as I was getting dressed the '6 started leaving with the wheelchair? I said what are you doing he said I got to take the chair back to healthcare? (North 2 had several wheelchairs as a way!) I said how am I suppose to get around there and to the bus? (After a fight in the chople they get the chople off into 4 different sections, which means I had to go all the way down to the stage and across the length of the chople and then back up the other side to get back to the door to get out to the bus? The chople Lt. came over and said lets go, I said I need the wheelchair (Also I wearing a medical mask!) the '6 said I have to take this chair back to healthcare, the Lt. told the '6 to take the chair back, I said what am I suppose to do, the Lt. said get on the bus or stay its up to you! Then the Lt. told a Sarg. and another '6 watch this! So I got on the floor and crawled down to the stage and over to the other side and I ran out of breath as my way

back up to the door, and I fell flat on the floor, I could hear the Lt. say you better hurry we're leaving (they were laughing!) I also heard two inmates who were in last seg. We got you old timer, and they picked me up and carried me, even though the Lt. told them not to! Once outside the Lt. told them to put me down or they would go to seg. So I told them to put me down so I crawled across the pavement and up on the bus, the driver knew me from when he had been there 3rd floor, and he helped me onto the bus. When we got to Lincoln Correction Center the driver sent the other 6 to get a wheelchair for me and for himself and a inmate carried me off the bus to the wheelchair. And the other 6 took me over to Lawrence bus where there was a line outside the bus in the rain (mind you I have a mask on!) there was a Lt. Beyler in the driver seat, who instructed the 6's to load everybody but me? After everybody else was on the bus, Lt. Beyler told me (Nobody is going to help you, so I don't know how you get on this bus crawl or walk!) So I got out of the wheelchair and crawled through the mud and rain and up on onto the bus, Lt. Beyler was laughing. There was an older 6 on the bus who started to try to help but Lt. Beyler said (He can make it) and when we got to Lawrence C.C. they unloaded everybody else first, and then I had to crawl off the bus, but there was a wheelchair right outside the bus, I got into the wheelchair, I was taken by a Sergeant to 3 house no handicap cell, I couldn't breathe I told him I have Nausea, he said he would call healthcare he helped me out of the wheelchair and into the cell onto the bed! After 30 mins I pushed the emergency

Several times after about an hour a % came, but I couldn't speak cause I couldn't breathe, he left and came back about 20-30 mins with a nurse and a wheelchair and took me to health care where she immediately gave me a breathing treatment. I heard he say he was suppose to have been brought here he's got to go to the back until he sees the Doctor!

But I was put into a Seg. cell where there was a bench with a mattress on it. It was a large room the sink on one side and the toilet on the opposite corner, and the nurse and health care % helped me onto the bench, and she took the chair. I said I need the wheelchair to get around, the nurse told me (our Dr. don't just give out wheelchairs, he don't tell for you guys' tricks!) and they left. In the morning another nurse came with medication, but only to the chuck, I said I can't walk, she said are you refusing! So I crawled across the room to the door and got my medication, and then crawled across the room to the sink to get water. And then back to the bench and a hour later came back but only to the chuck? The % called somebody to (Watch this!) So I crawled over and got my tray! Had set on the floor & eat! So I pulled the mattress off of the bench to the floor and just stayed on the floor! In the morning I was told that the Dr. Lee was on vacation, and that I could not have "the mattress" on the floor, I said well I need a wheelchair, (the nurse told me, we don't tell for all of that) So I stayed on the floor! So for a week a little over I crawled around like his animal to get my meals and use facilities. (No shower; no clothes, semi mudcrusted jumpsuit; No Soap) they only came in the cell for breathing treatments twice a day never cleaned the cell.

ANSWER: These allegations refer to Count 10, which was severed from the original case, 18-21-MJR, by the Court's Merit Review Order. [Doc. 1, pg. 23]. Defendant admits that Plaintiff was transferred to Lawrence Correctional Center on March 9, 2016. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations.

12.) In 2016 after leaving Healthcare and writing to see a Pulmonary Specialist, I was in 5 house as it was the closest to healthcare. Because I needed an emergency breathing treatment. Dr. Lee had issued me permits (how Buck, how Bailey, two mattresses, clean cell every day, wheelchair,) In July my Mother passed away and that same month my wing % changed to % Tubbs, who started with my Ice permit, and told me he would not give me Ice, which I didn't understand because, I came back from law library the day before with other inmates who all asked him for Ice and he gave us all Ice? After that % Tubbs stopped me and my kkk attorney from cleaning my cell with the cleaning supply's he asked for my permit and said it didn't say cleaning supply's, so I had Dr. Lee change it to with cleaning supply's then % Tubbs said it didn't say bleach or pink soap, and then % Tubbs came to my cell one day and asked to see my permits I gave it to him and he wrote on my permit (Ice and clean as of Date Per % Tubbs and healthcare.) I started writing grievances, I wrote 25 to % Tubbs, who later stopped me and my attorney from cleaning the shower chair. Said he would do it, that he had worked as an ambulance and knew more about what I need or don't need than I do. For fear of % Tubbs my attorney quit as Tubbs started shaking him down and his art supply's disappeared!!! I wrote and told everybody Lt. Counselor, Major, Warden my son called and % Tubbs tried to harass me & Pinelly Warden Goings came to see me and told me not to write another grievance.

against % Tubbs he was made aware of the problem after the first grievance (but it took 4 months for Werder's Coings to respond #2 Werder of Security). The Werder told me, you don't have a Tubbs problem, you have a Permitt Problem, to many permits and they should not be "Independent" --- Werder Coings then called Mrs. Cunningham (Healthcare Administrator) and told her he wanted my Medical Permits taken off. He told me to make an appointment with the Doctor R.S.H.P. this week. Werder Coings's hung up and looked at me and smiled and said "See all takes care of." I went back to my cell, in two days I got a pass to see Dr. Shev, I went and Dr. Shev told me I was there to fix what the Administration wanted fixed, I (Heard) said what is that, Dr. Shev said all of these permits and to make you permanent party Healthcare you will live in the back. I asked Dr. Shev to look at my permits and the Dr.'s Signature, is it not at your boss the Deputy Medical Director of Illinois Department of Corrections, so please let me know if he feels I need the permits and don't need to be in the back, but you do, who is wrong, who is incompetent? Dr. Shev called the healthcare % Johnson and told him to remove me that I was done. That night I wrote a grievance against Werder Coings (is that I feared for my life) No more was said about my permits. But % Tubbs would not stop the harassment, it got worst he would totally refused any of my permits, and would shake down my cell and throw away my commissary. I bought telling me it was in the wrong place or in the wrong package.

ANSWER: These allegations refer to Count 11, which was severed from the original case, 18-21-MJR, by the Court's Merit Review Order. [Doc. 1, pg. 23]. Defendant admits that records indicate Plaintiff was referred to a pulmonary specialist. During the times alleged, Plaintiff was housed in R5. Defendants admit records indicate that Dr. Coe issued Plaintiff low bunk, low gallery, medical, walker, slow walk, wheel chair, knee sleeve, and ted hose permits on 3/10/2016. On 3/23/2016, Dr. Coe issued a new order authorizing permits for low bunk, low gallery, crutches, knee sleeve, tub, wheelchair, ADA, and "to push chair carry and clean cell." On 4/18/2016, Dr. Coe issued a new order authorizing a w/c cushion. On 7/21/2016, Dr. Coe issued a new order authorizing a double mattress and waist chains. On 8/11/2016, Dr. Coe issued a new order authorizing ice. On 9/4/2016, a permit change

was issued to allow Plaintiff to “clean cell & shower on shower days.” On 9/27/2016, Ice was discontinued by order of the healthcare unit. On 12/7/2016, a permit renewal was issued for all of the above items. On 1/6/2017, a new order was issued to allow Plaintiff waist chains. On 1/18/2017, a new order was issued to allow Plaintiff access to a wheelchair. Records indicate that, in July 2016, Plaintiff’s mother passed away. Records indicate that Plaintiff filed grievances regarding C/O Tubbs that he dated on 9/12/16, 9/23/16, 9/26/2016, 9/27/2016 about receiving ice, 1/24/2017, 1/26/2017, 1/30/2017, 2/4/2017, 2/16/2017, 2/17/2017, 2/20/2017, and 2/23/2017 about receiving bleach. Records indicate that, on 10/14/2016, Plaintiff’s counselor held a formal meeting to discuss C/O Tubbs, where he indicated that it was his belief that C/O Tubbs was the reason his permit for ice was being pulled and that he believed “it was personal.” Records indicate that, on 1/24/2017, Plaintiff’s counselor held a formal meeting to discuss his requests to be single celled, where Plaintiff was told by his Counselor and later by the physician that his issue is not, as he describes it, “life or death”, that he did not need to be single celled, that he did not need bleach every day, and that soap and water is sufficient to disinfect. Defendant denies that shakedowns occurred as Plaintiff alleges. Defendant denies all allegations directed at Warden Goings. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph.

So I said to the counselor (I'm tired I just lost my Mother and within a month of that he's out for terminally ill. And I've got him, and we've got Tubbs, and nobody will deal with him, what happens when I get to the point of I'm dying who can I take with me?) The next day I was moved to a house where I remain to this day. C/O Tubbs was made to be with me for some reason gives the zone I live in which covers 4 house, but recently he was wearing Sergeant's uniform? But no more problems with him!

ANSWER: These allegations refer to Count 11, which was severed from the original case, 18-21-MJR, by the Court’s Merit Review Order. [Doc. 1, pg. 23]. Defendant lacks knowledge or information sufficient to form a belief about the truth of these allegations.

13. In 2017 February after my writing personal property over the last almost year (March 2016) how come my EL-20 headphones never went out to loss to be fixed in February they finally took \$9.00 for repair and \$3.75 for postage. April 2015 I wrote personal property, no answer, so I spoke to my Counselor Mrs. Bear who said she would check on them. I showed her my account balance where the money had already been taken. So in May 2015 Mrs. Bear told me property doesn't have my EL-20's they never came back yet. So I wrote loss myself, who responded in June 2015, that they had never received the headphones or payment, to have the institution put a tracker on them. I gave Mrs. Bear a copy of

of the loss letter and she told me to write a grievance. So I did which she (Mrs. Bear) heard. and responded would I accept a replacement pair and they were reimbursing me the \$9.00 the check was found (that means they never left Lawrence C.C. I) and that they couldn't prove my EL-20's were under 5 years old (They minus 20% per year depreciation?).

ANSWER: Defendant admits that records indicate Plaintiff spoke with his counselor about his headphones on August 25, 2016. Counselor noted that they were sent to property because he had insufficient funds to send them out. Illinois Department of Corrections records indicate that Plaintiff had correspondence with the manufacturer of the headphones in 2014 stating that it would be the last time they honor a warranty on his headphones, and numerous correspondence between Plaintiff and others regarding these headphones. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations.

I responded (yes I'll take a replacement) and I told her I could prove my CH-20^s were under a gear when I got here (Nobody knows who broke the case?) But I've never touched them since I've been here at Lawrence. On March 27, 2016, personnel properly told me my CH-20^s case was broken which is the same as altered, and I could either send them home or destroy them, or send them out to be fixed at Koss, I choose to fix them. So in December 2017 a % came to my door, and told me to come out of my cell, he was there to shake my cell as per the administrative for CH-20^s headphones, which he did (Why?) (I'm in a wheelchair, you think nobody saw me go out of my cell without a key, leave the building, and go to Voc Ed building into property and behind the gate and get my CH-20^s?) — A week later I got a statement from the grievance officer that they were going to reimburse the \$375 for postage, but would give me nothing for my CH-20^s!

ANSWER: Defendant admits that there exists a large quantity of records regarding Plaintiff's headphones. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations.

14.) On November 24, 2015 I went to healthless, and when I got there I found I was to see Dr. Shav? He's not my Doctor Dr. Armel is? Dr. Shav proceeded to take away my High Blood Pressure Medications that Dr. Armel (Medical Director) had just given me and used my Heart medications? So I told him it took over a month for me to get one of my medications and I'm out of my "hesix" now (I take close to 30 pills per day I said the wrong one, I should have said "Potassium"). Dr. Shav called his Nurse Collins and asked her to find out why I don't have my "hesix", Nurse Collins came back with a Sergeant and a "6" and called me in here and said she was having my cell shock down, Dr. Shav never addressed her, so neither did I. And then the Serg. put me in the Seg. cell, until they shock my cell, then they came back with all of my medications in blister packs which I'm suppose to have? What I didn't know is that Nurse Collins told the Lt. Buttrick that I told her I had no medications (I never spoke to her, and she was not present when I spoke to Dr. Shav?). Nurse Collins told Lt. Buttrick to take me to Seg. which he said no and asked her which one he have and Nurse Collins said none of them I'm keeping these he can have the antibiotics, Lt. Buttrick took me back to my unit and told me what Nurse Collins had said. (So we never got to I was out of Potassium!!!)

ANSWER: These allegations refer to Count 13, which was severed from the original case, 18-21-MJR, by the Court's Merit Review Order. [Doc. 1, pg. 23]. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

That evening when Med line was run, I went out to see the Nurse who gave me my medications along with the higher dose of "Corey" Heart medications and the High Blood Pressure or Potassium, I told the nurse I had taken the Corey earlier this morning maybe I shouldn't take it now, but she said Dr. Sher up the dosage after that, you need to take it!

I was peeing every 30 mins all night, by 8 am I fell out (Dehydrated) my cellie called for help, the guard % came and hit. (I was out of it, but I could hear, but I couldn't speak.) So I heard my cellie tell them that (yesterday heathcliff took all of his meds, but he went to med line this morning at 5 am, but I don't know if he took anything!) - - -

I got to heathcliff and Nurse Tommy Dowdy said all the best He overdosed (His cellie said he had a bunch of pills, and took a head full this morning!) Nurse Tommy called J. A. (Interse) Allens and told them I (Heywood) had overdosed, and what she claims my cellie had said to her. Then they sent Lt. Bottom to shut down my cell (his per her lie) who came back with the Pamalen and Mobic and Bactrim and Cold pills and Corean all over me and I'm supposed to have (What I did not know is that Pamalen is a "Psychotropic" Without out my permission!) - - -

So I was on a gurney on a back board strapped down, and telling (I need water Dehydrated) over and over, but Nurse Tommy would allow myself to give me water until I tell her what pills I took, so I lay there unable to swallow literally dying cause I'm so dehydrate and without Potassium or Salt!!

I'm in the triage room for over two hours until they finally decided to put me in the back for 23 hour observation! (Could it be with a overdose I should have been dead by then?)

When I got to the back I got the porters to get me water, and I drank alot mybr 8 glasses in 10 mins, which meant I had to pee, I asked for help and I was out for the coast as the floor I had to ad hit my head cause when I did state to come too I had to throw up! (excessive) They called for a ambulance it came and there was Nurse Temmy pushing me in my chest with her knuckle (It hurt so bad) and I could hear her talking the EMT's I had overdosed to the point the EMT said yeh he's fucked up off of something! They strapped me to a flat board again, put me in the ambulance with two ladies as because they were told I was an overdose they didn't wait to get an I.V. going she took off, over bumps and bumpy roads and railroad tracks, all the while trying to get an I.V. started cutting me with needle, and jabbing in and out several times with no success, but well marked up my left arm with lifetime marks! And I'm pretty sure she stuck herself cause she then asked if I had AIDS or HIV or Hepatitis I said no but I don't know her history! (I need to) Everybody kept asking what I took, I kept saying I dehydrated but because Nurse Temmy told them I was an overdose they ignored me and treated me like I was lying to protect myself so I was treated with contempt! I've got a blow out back and two broken knee caps, so being strapped down on the flat board was causing me the worst pain ever! I was begging them to release the straps but (I'm considered Suicide!) they refused and kept me like that for four hours until the blood test came back which showed NO drugs in my system and dangerously low potassium and salt levels (It's death door!) then I was asked by the Dr. why

I had not told nobody! They fed me and gave me
Two 1/2 bags of fluids, and everything to drink and 40 mg.
of Potassium! After 8 hours I was back at Lawrence C.C.
under observation, the next day I went back to my cell
at which I got a major ticket for the pills, and that
is when I found out that Pemelon was a Psychotropic
drug! I had received 3 months C-grade, 3 months B-grade
6 months of no contact with my family when I'm terminally ill?
No recreation, no commissary!
As of this day I've still not gotten my High Blood Pressure medication
but on 12-29-17 I almost had a stroke as blood pressure is
through the roof!

ANSWER: These allegations refer to Count 13, which was severed from the original case, 18-21-MJR, in the Court's Merit Review Order [Doc. 1, pg. 23]. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations.

REQUEST FOR RELIEF

Defendant denies that Plaintiff is entitled to any relief whatsoever.

JURY DEMAND

Defendant demands a trial by jury.

AFFIRMATIVE DEFENSES

1. **Qualified Immunity**

At all times relevant herein, Defendants acted in good faith in the performance of their official duties and without violating Plaintiff's clearly established statutory or constitutional rights of which a reasonable person would have known. Defendants are therefore protected from suit by the doctrine of qualified immunity.

2. Administrative Exhaustion

Plaintiff's lawsuit concerns the conduct of correctional officers and officials while he was in the custody of the Illinois Department of Corrections, and is barred by 42 U.S.C. 1997e(a), as Plaintiff has failed to exhaust administrative remedies prior to filing his suit.

3. Statute of Limitations

To the extent Plaintiff's claims for relief accrued more than two years prior to the initiation of this case, those claims are barred by the applicable statute of limitations.

WHEREFORE, for the above and foregoing reasons, Defendant respectfully requests this Court deny Plaintiff any relief in this matter whatsoever.

Respectfully submitted,

LORIE CUNNINGHAM and RUSSELL GOINGS

Defendant,

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JOHN D. HAYWOOD, #B-44617,)	
)	
Plaintiff,)	
)	
- vs -)	No. 18-cv-524-SMY
)	
C/O Maue, et al.,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2018, the foregoing document, *Answer and Affirmative Defenses*, was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

NONE

and I hereby certify that on the same date, I caused to be mailed by United States Postal Service, a copy of the foregoing document to the following non-registered participant:

John D. Haywood, #B-44617
Lawrence Correctional Center
Inmate Mail/Parcels
10940 Lawrence Road
Sumner, Ill 62466

s/ R. Kolton Ray
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